

*State of Nevada*

**CAMPAIGN GUIDE**



**2004**

*Provided by*

**Dean Heller**  
**Secretary of State**

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### PREFACE

The Elections Division of the Nevada Secretary of State's office has prepared this brief summary of information pertaining to Nevada election law to provide an understanding of the requirements for campaign procedures and conduct. **It is important to note that this guide is for general information only and does not have the force and effect of Nevada law, regulation, or rule.** Interested citizens should obtain the most recent version of NRS, as Nevada's Election Laws are amended each legislative session. If you have further questions, please contact the Elections Division.

#### **DEAN HELLER**

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## STARTING OUT

### Filing Officer

The Secretary of State is the filing officer for statewide offices, and those offices that are elected from districts comprised of more than one county. The County Clerk (Registrar of Voters in Clark and Washoe Counties) is the filing officer for those offices, which are elected from districts comprising only one county or part of one county. The City Clerk is the filing officer for offices that are elected at municipal elections. (NRS 293.057)



### Deadlines for Declaring Candidacy: May 3 – 14, 2004

The first day of candidate filing for **all candidates** begins on **Monday, May 3, 2004**. The last day to file is no later than 5 p.m., **Friday, May 14, 2004**. Any declaration that is mailed must be received in the appropriate filing office by 5:00 p.m. on Friday, May 14, 2004. (NRS 293.177)

### Using a Nickname on the Ballot

A nickname of not more than 10 letters may be used on the ballot; however, it must be in quotation marks and appear immediately before the candidate's surname. A nickname must not indicate any political, economic, social or religious view or affiliation and must not be the name of any person, living or dead, whose reputation is known on a statewide, nationwide or worldwide basis. The nickname must not, in any way, deceive a voter regarding the person or principles for which he or she is voting. (NRS 293.2565)

### Candidates with the same Surname or Surnames

If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and: a) None of the candidates is an incumbent and the middle names or middle initials, if any, must be included on the ballot; or, b) If one of the candidates is an incumbent the name of the incumbent must be listed first and must be printed in bold type. Where a system of voting other than by paper ballot is used and the provisions are applicable, the SOS may distinguish a candidate who is an incumbent in a manner other than printing the name of the incumbent in bold type provided that the manner used clearly emphasizes the name of the incumbent in a manner similar to printing his name in bold type. (AB 541 - 10/1/03)

### Changing Name on Ballot

A candidate may change the manner in which his name will appear on the ballot by filing a written request to amend his declaration of candidacy or acceptance of candidacy. The candidate must file in person the request with the filing officer with whom he filed his declaration of candidacy or acceptance of candidacy not later than 5 p.m. May 14, 2004. (NAC 293.081)

## Filing Fees

Filing fees must be paid in cash, cashier's check or certified check. Personal checks are not accepted. The filing fees are as follows:

|   |       |
|---|-------|
| United States Senator   | \$500 |
| Representative in Congress  | \$300 |
| Governor  | \$300 |
| Justice of Supreme Court  | \$300 |
| Any state office, other than Governor or Justice of Supreme Court | \$200 |
| District Judge  | \$150 |
| Any county office   | \$100 |
| State Senator or Assemblyman                                      | \$100 |
| Justice of the Peace  | \$100 |
| Any district office other than District Judge                     | \$30  |
| Constable or other town or township office                        | \$30  |
| University Board of Regents*                                      | \$0   |

\* No filing fee is required from a candidate for an office if the holder receives no compensation. (NRS 293.193)



## Deadline for Changing Political Party Affiliation Prior to Declaring Candidacy

A person may NOT run for **partisan** office of a **major political party** in 2004, if he or she has changed political party **or** designation from nonpartisan to a designation of a political party affiliation on an application to register to vote in the State of Nevada or in any other state beginning **September 1, 2003**, and ending on the date of that election. (NRS 293.176)

Please note the above does **not** apply to a person who is a candidate of a political party that was not in existence prior to September 1, 2003. (NRS 293.176(2))

Also note that a person **may** change from any political party affiliation to **nonpartisan** and run for office in 2004.

**NOTE: This does not apply to minor party candidates.**

## Write-in Candidates

Nevada law prohibits write-in candidacies or write-in votes of any kind. (NRS 293.270)

## CONDUCTING A CAMPAIGN



### Code of Fair Campaign Practices

The Code of Fair Campaign Practices is a voluntary code to which a candidate may subscribe. It states certain principles by which a fair, ethical campaign should be run. A candidate who subscribes to the code may indicate so on his or her campaign literature. A copy of the Code of Fair Campaign Practices is given to each candidate at the time of filing. (NRS 294A.290)

### Use of the Term “Reelect” and Implying Incumbency

Nevada law prohibits use of the term “reelect” in a campaign unless the candidate was chosen at the most recent election to fill the same office. Statutes also prohibit the implication of incumbency unless the candidate holds that office at the time of the election. It is recommended that candidates use the term “elect,” “for,” or other identifier so as not to create the implication of incumbency.

(NRS 294A.330 & 294A.340; NAC 294A.130)

### Identification of Person Paying for Published Campaign Material

Published material (print, broadcast, billboards, radio, etc.) which refers to a ballot question or to a candidate must include the name, address, and a statement of responsibility (e.g., “paid for by...”) of **each person** who paid for the publication. This requirement does not apply to published material that prominently displays the name of the candidate and refers only to the candidate whom the material promotes if the material is approved and paid for by the candidate and has been reported by the candidate as a campaign contribution. This requirement also does not apply to a natural person who acts independently and not in cooperation with business or social organizations in publishing the material. Identification that complies with the Federal Communications Act of 1934 and subsequent regulations shall be deemed to comply with these requirements. (NRS 294A.320)



### Persuasive Polls

If a candidate, political party, committee sponsored by a political party or committee for political action requests or compensates a person to conduct or cause to be conducted a persuasive poll or produce an automated or computerized message by telephone concerning a candidate, the person conducting the poll shall disclose, at the end of the poll, the name and telephone number of the candidate, political party, committee sponsored by a political party or committee for political action that requested or compensated the person for the poll. Each violation is subject to a civil penalty of up to \$5,000. (NRS 294A.341; 294A.342 & 294A.343)



### Publication of False Statements/Impeding Success of Campaign of Candidate or Ballot Question

A person shall not willfully impede the success of the campaign of a candidate or the success of a ballot question. Enforcement is with the Nevada Commission on Ethics. (NRS 294A.345; 294A.346)

### Campaign Signs

Local as well as state laws govern the use of campaign signs. Candidates should examine county and city ordinances for the rules regarding campaign signs. In addition, state



law governs campaign signs placed within highway rights-of way. Check NRS 405.030 and 405.110 for specific prohibitions, removal policy by the Department of Transportation, and possible penalties.

State law sets time periods for the placement of campaign signs along interstate and primary highways. Campaign signs must not be placed next to these highways more than 60 days before a primary election and must be removed 30 days after that election. A successful candidate in the primary election may display his or her campaign signs through the following general election, removing them 30 days later (NRS 410.400(4)). Please contact the Department of Transportation at (775) 888-7000 for further information.

Remember to always seek permission of property owners prior to placing campaign signs on private property. The posting of campaign signs on public utility poles is prohibited. (NRS 704.638)



### Judicial Candidates

The Nevada Code of Judicial Conduct, included in the Supreme Court Rules, imposes several requirements on judicial candidates. Refer to the Nevada Code of Judicial Conduct and Cannon 5 of the Nevada Supreme Court Rules for more details or contact the Committee on Judicial Ethics and Election Practices.

**STANDING COMMITTEE ON JUDICIAL ETHICS  
AND ELECTION PRACTICES  
POST OFFICE BOX 48  
CARSON CITY, NEVADA 89702  
PHONE (775) 687-4017 FAX (775) 687-3607  
website: [www.judicial.state.nv.us/ethics.htm](http://www.judicial.state.nv.us/ethics.htm)**

## WHAT ABOUT THE MONEY?



### Contribution Defined

“Contribution” means a gift, loan, conveyance, deposit, payment, transfer or distribution of money or of anything of value other than the services of a volunteer. (NRS 294A.007)

### Campaign Expenses and Expenditures Defined

“Campaign Expenses and Expenditures” is those expenditures made for advertising on television, radio, billboards, posters and in newspapers; and all other to advocate expressly the election or defeat of a clearly identified candidate or group of candidates or the passage or defeat of a clearly identified question or group of questions on the ballot. (NRS 294A.004)

### Candidate Defined

“Candidate” means any person (1) who files a declaration of candidacy; (2) who files an acceptance of candidacy; (3) whose name appears on an official ballot at any election; or (4) who has received contributions in excess of \$100. (NRS 294A.005)

### Reporting Campaign Contributions and Expenses Reporting

**Every** candidate for state, district, county, municipal, or township office at a primary or general election, must report all campaign contributions and expenses. (NRS 294A.120; 294A.200)

Every candidate must file all three reports **even though** he or she: (1) withdraws his or her candidacy; (2) receives no campaign contributions; (3) has no expenses; (4) loses the primary election; (5) his or her name does not appear on either the primary or general election ballot; (6) does not file a declaration of candidacy, but is a candidate as defined in NRS 294A.005 because he has received campaign contributions in excess of \$100; or (7) he did not receive contributions nor expend any funds (less the filing fee). (NRS 294A.350(1))

If a candidate withdraws or loses in the primary may file **all three required reports at one time with the appropriate filing officer.** (NRS 294A.350; NAC 294A.045)

### Contributions In Excess of \$10,000 Report

Every candidate who receives contributions in excess of \$10,000 in any year before the year of an election is required to file a **Contributions and Expenses Report** for that year and every year thereafter up to the election. The report must be filed with the appropriate filing officer on or before January 15 of the year immediately after the year for which the report is made. Each year thereafter before the election year the candidate must file by January 15 with the appropriate filing officer, a report of all contributions received and expenditures made in that year. (NRS 294A.125)



### Filing Contributions and Expenses Reports

Reports must be filed with the candidate's filing officer with whom the candidate filed his or her declaration of candidacy or acceptance of candidacy. The due dates for contributions and expenses reports are:

|                         |                             |
|-------------------------|-----------------------------|
| <b>Annual Report:</b>   | <b>Due January 15, 2004</b> |
| <b>Report Number 1:</b> | <b>Due August 31, 2004</b>  |
| <b>Report Number 2:</b> | <b>Due October 26, 2004</b> |
| <b>Report Number 3:</b> | <b>Due January 15, 2005</b> |
| <b>Annual Report:</b>   | <b>Due January 15, 2005</b> |

**All** reports must be received no later than midnight. A candidate may submit the filing in person via facsimile or by mail. If certified mail is used, the date of the postmark shall be deemed the date of filing. If sent via postal mail the date received shall be the date of filing. (NRS 294A.120 & NRS 294A.200)

### Penalties for Failure to File or For Filing a Late Report

The Secretary of State may impose civil penalties on any candidate who fails to file his or her campaign contributions and expenses report, or who files the report late. Each violation is subject to a penalty up to \$5,000 and payment of court costs and attorney's fees. The amounts of the civil penalties are as follows:

- (a) if the report is 1-7 days late, \$25 for each day the report is late;
- (b) if the report is 8-15 days late, \$50 for each day the report is late;
- (c) if the report is more than 15 days late, \$100 for each day the report is late – up to a maximum of \$5,000. (NRS 294A.420)



### Campaign Contribution Limits

A person shall not make a contribution for any office, except a federal office, in an amount that exceeds \$5,000 for the primary election or primary city election, and \$5,000 for the general election or general city election, regardless of the number of candidates for the office. There are no constitutional or statutory limits of contributions made to groups such as political parties, committees sponsored by political parties or committees for political action. (NRS 294A.009; 294A.100 & 294A.160)

Every candidate for a state, district, county, city or township office who is defeated at a primary or primary city election and received a contribution from a person in excess of \$5,000 shall, not later than the 15th day of the second month after his or her defeat, return any money in excess of \$5,000 to the contributor. (NRS 294A.160)



### Contributions Made In The Name of Another Person Prohibited

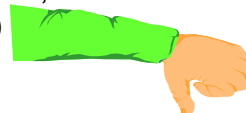
A person shall not make or assist in making a contribution in the name of another person. Accepting a contribution made by a person in the name of another person is prohibited. (NRS 294A.112)

## **Campaign Accounts**

Every candidate for state, district, county, city or township office shall open and maintain a separate account in a financial institution for the deposit of any campaign contributions, within one week of receiving a minimum of \$100.00. The candidate shall not commingle the money in the account with money collected for other purposes. Candidates for judicial office should be aware that the Nevada Supreme Court Rules also address this issue. (NRS 294A.130)

## **Anonymous Contributions**

A candidate who receives a contribution of \$100 or more from an anonymous or unidentifiable contributor shall, within 10 days after receiving the contribution, deliver the money to the state treasurer or donate it to a nonprofit entity. (NRS 294A.190)



## **Personal Use of Campaign Funds**

It is unlawful for a candidate to spend money received as a campaign contribution for his or her personal use. (NRS 294A.160) AGO – 2002-23

## **In Kind Contributions**

The value of services provided in kind for which money would have otherwise been paid, such as paid polling and resulting data, paid direct mail, paid solicitation by telephone, any paid paraphernalia that was printed or otherwise produced to promote a campaign and the use of paid personnel to assist in the campaign. In kind contributions must be reported. (NRS 294A.362; 294A.007)

## **Restrictions on Receipt of Campaign Contributions Prior to Legislative Session**

A legislative caucus, legislator, governor, governor-elect, and lieutenant governor, lieutenant governor-elect may not receive or solicit a contribution during the period beginning 30 days before and ending 30 days after a regular session of the legislature (**January 7, 2003 through July 7, 2005**). If a special session is called, a legislative caucus, legislator, governor, governor-elect, lieutenant governor and lieutenant governor-elect, may not receive or solicit a campaign contribution during the period beginning the day after the governor issues a proclamation calling for a special session and ending 15 days after the final adjournment of a special session. (NRS 294A.300; 294A.310)

## **Disposition of Unspent Contributions Report**

Candidates who are elected or defeated, or who withdraw from a race, must file a Contributions & Expenses Report which shows how any remaining funds were disposed of with their appropriate filing officer. State law specifically limits the manner in which unspent contributions may be disposed. (NRS 294A.160)



### **Statement of Financial Disclosure**

Nevada law requires a candidate for public office to file an original **Statement of Financial Disclosure** with the Secretary of State and file the appropriate copy of the statement with his or her filing officer. This statement is due 10 days after the last day to file a declaration of candidacy. Candidates for judicial office should be aware that the Supreme Court Rules also address this issue. (NRS 281.561)

Please Contact the Ethics Commission for further details.

**ETHICS COMMISSION**  
**3476 EXECUTIVE POINTE WAY, STE 16**  
**CARSON CITY, NV 89706-7946**  
**PHONE: (775) 687-5469 FAX: (775) 687-1279**  
**website: [www.ethics.state.nv.us](http://www.ethics.state.nv.us)**

### **Special Filing Requirements for Federal Candidates**

Candidates for federal office are required to report campaign finances to the Federal Election Commission (FEC). Each candidate who files campaign reports with the FEC is required to file a duplicate copy of all reports with the Nevada Secretary of State. All federal candidates are encouraged to contact the FEC for other requirements.

**FEDERAL ELECTIONS COMMISSION**  
**999 E. STREET N.W.**  
**WASHINGTON, D.C. 20463**  
**PHONE: (800) 424-9530 OR (202) 219-4140**

**\*\* Please See Table on Page 10 for Quick Reference of Campaign Finance Requirements \*\***

# CAMPAIGN GUIDE 2004

## State of Nevada

**Campaign Finance Reference Table**

| Candidate                  | Filing Officer                     | Contribution Limits                         | C&E Reports<br>Annual Report Due January 15, 2004<br>Report #1 Due Aug. 31, 2004<br>Report #2 Due Oct. 26, 2004<br>Report #3 Due Jan. 15, 2005<br>Annual Report Due January 15, 2005 |                          |  | Financial Disclosure Statement for Ethics Commission<br>(Judicial Officers file with the AOC) |                          |
|----------------------------|------------------------------------|---|--|--------------------------|--|---|--------------------------|
|                            |                                    |   | File?  | With:                    | Copy to Secretary of State?  | File?   | File Copy With:          |
| Statewide                  | Secretary of State                 | \$5,000 for Primary;<br>\$5,000 for General | Yes  | Secretary of State       | Files with the Secretary of State  | Yes. With Secretary of State  | Secretary of State       |
| Multi-County Candidate     | Secretary of State                 | \$5,000 for Primary;<br>\$5,000 for General | Yes  | Secretary of State       | Files with the Secretary of State  | Yes. With Secretary of State  | Secretary of State       |
| Single-County Candidate    | County Clerk / Registrar of Voters | \$5,000 for Primary;<br>\$5,000 for General | Yes  | County Clerk / Registrar | Yes, if Legislative or Judicial Office, Clerk forwards within 10 working days of receipt | Yes. With Secretary of State  | County Clerk / Registrar |
| City / Municipal Candidate | City Clerk                         | \$5,000 for Primary;<br>\$5,000 for General | Yes  | City Clerk               | No   | Yes. With Secretary of State  | City Clerk               |

## FREQUENTLY ASKED CAMPAIGN FINANCE QUESTIONS

**Q: Is there a limit to the amount of contributions I can accept as a candidate?**

**A:** Yes. The limit is \$5,000 per election for a maximum of \$10,000. If you receive \$10,000 from any person and lose the primary election, you must return the remaining \$5,000 to each person who donated \$10,000. (NRS 294A.100; Interpretation of the Secretary of State 97-1 and 97-2)

**Q: What if I don't have a primary election? Can I still receive the maximum of \$10,000?**

**A:** Yes, except candidates in cities where they do not hold a primary election. (Interpretation of the Secretary of State 97-2)

**Q: Is there a limit to the amount of contributions a PAC can receive?**

**A:** No. There is no limit to the amount of contributions a PAC can receive or give to another PAC. However, PACs are still limited to the amount they can contribute to a candidate. (NRS 294A.100)

**Q: What is an in kind contribution?**

**A:** The value of services provided in kind for which money would have otherwise been paid. Example: a person donates billboard space to a candidate free of charge. (NRS 294A.007)

**Q: Can I make an anonymous contribution to a candidate?**

**A:** No. State law prohibits anonymous contributions. (NRS 294A.190)

**Q: Can I make a contribution to a candidate in the name of another person?**

**A:** No. Prohibited by law. (NRS 294A.112)

**Q: Are the three (3) Contributions and Expenses Reports the only finance forms I have to file?**

**A:** No. Financial Disclosure Forms are filed with the Secretary of State as well as the candidate's filing officer. (NRS 281.561)

**Q: Do all candidates have to file Contributions and Expenses Reports?**

**A:** Every candidate (Excluding Federal Candidates) must file: Whether they withdraw their candidacy; receive no contributions nor makes any expenditures; have no opposition; their name does not appear on the primary or general election ballot; they do not file a declaration of candidacy, but is candidate as defined in NRS 294A.005 because they have received campaign contributions in excess of \$100 or they did not receive contributions nor expend any funds (less the filing fee). (NRS 294A.120 and NRS 294A.200)

**Q: When are the filing deadlines for the three (3) Contributions & Expenses Reports?**

**A:** (NRS 294A.120 and NRS 294A.200)

- **Annual Report is due on January 15, 2004**
- **Report No. 1 is due on August 31, 2004**
- **Report No. 2 is due on October 26, 2004**
- **Report No. 3 is due on January 15, 2005**
- **Annual Report is due on January 15, 2005**

**Q: Can I mail my Contributions & Expenses Report in to the appropriate filing officer?**

**A:** Yes. If you send by certified mail the report the certified mailing date would be the date the report is to be deemed filed. If you mail it in via regular mail, the date it is received by the filing officer will be the date it is deemed filed. (NRS 294A.120(6); 294A.200(6))

**Q: Can I FAX my Contributions & Expenses Report in to the appropriate filing officer?**

**A:** Yes. You must also hard copy the original. NOTE: If your fax is not received, you are not filed until the filing officer has received the hard copy.

**Q: What happens if I file my report(s) late?**

**A:** There is a civil penalty of up to \$5,000 per violation provided by law and your file may be remanded to the Attorney General's Office if you fail to pay the penalty. (NRS 294A.420)

- If the report is filed 1-7 days late, \$25 for each day the report is late.
- If the report is filed 8-15 days late, \$50 for each day the report is late.
- If the report is filed more than 15 days late, \$100 for each day the report is late, up to a maximum of \$5,000.

**Q: What happens if I don't file my reports(s)?**

**A:** In addition to any civil penalty of up to \$5,000 per violation, your file may be referred to the Attorney General's Office for further action. (NRS 294A.420)

**Q: Can I pay the penalty out of my campaign account?**

**A:** No. Pursuant to Nevada Revised Statute 294A.160, personal use of campaign funds is prohibited.

**Q: When is the Statement of Financial Disclosure due?**

**A:** (NRS 281.561)

- **Candidates: May 24, 2004**
- **Elected Public Officers: January 15, 2005**

**Q: What happens if I fail to timely file a Financial Disclosure Statement or don't file one at all?**

**A:** *There is a civil penalty of up to \$2,000 per violation provided by law and your file may be remanded to the Attorney General's Office if you fail to pay the penalty.*

*(NRS 294A.420)*

- *If the report is filed 1-10 days late - \$25.00*
- *If the report is filed 11-20 days late - \$50.00*
- *If the report is filed 21-30 days late - \$100.00*
- *If the report is filed 31-45 days late - \$250.00*
- *If the report is filed 45 days or more late - \$2,000.00*

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